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Patent
Attorney Docket No. **Old:** GEM-30834
New: GEMS8081.022

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Kennedy, Ronald G.
Serial No. : 09/474,418
Filed : December 29, 1999
For : System and Method For Remote Servicing of In-Field Product
Group Art No. : 2143
Examiner : W. Vaughn

CERTIFICATION UNDER 37 CFR 1.8(a) and 1.10

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SUPPLEMENTAL REPLY BRIEF RESPONSIVE TO EXAMINER'S ANSWER
MAILED NOVEMBER 1, 2006

Dear Sir:

This Supplemental Reply Brief is being filed in response to the Examiner's Answer mailed November 1, 2006.

SUPPLEMENTAL REPLY BRIEF

Claims 1-24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Jago et al. (USP 5,938,607) in view of Wood et al. (USP 5,715,823). Claims 1-24 also stand rejected under 35 U.S.C. §103(a) as being unpatentable over Slayton et al. (USP 5,938,607) in view of Jago et al., further in view of Friz et al. (USP 5,786,994). Claims 1-24 are also provisionally rejected under the judicially created doctrine of double patenting over claims 1-44 of U.S. Application Ser. No. 09/199,506.

In the Examiner's Answer mailed November 1, 2006, the Examiner maintained the rejection of claims 1-24 and dismissed all of the arguments set forth by Appellant in the Appeal Brief of March 13, 2006. Responsive thereto, an Examiner's Answer was mailed out of May 19, 2006. Appellant submitted a Reply Brief on July 19, 2006 that addressed those arguments that had been set forth by the Examiner in the Examiner's Answer.

Subsequent to this, an Order Returning Undocketed Appeal to Examiner was issued on October 17, 2006 by the BPAI returning the Examiner's Answer to the Examiner for correction. The Examiner has now prepared a corrected Examiner's Answer that was mailed to Appellant on November 1, 2006. While the Examiner's Answer has been corrected to comply with §1207.01 of the MPEP, the content of the Answer is identical to the Examiner's Answer that was issued on May 19, 2006. As such, Appellant believes that the Reply Brief filed on July 19, 2006 addresses the assertions of the Examiner set forth in the corrected Examiner's Answer of November 1, 2006. In the Reply Brief of July 19, 2006, Appellant set forth arguments in response to statements made by the Examiner in the most recent Examiner's Answer. Therefore, Appellant believes that no further remarks are necessary.

In view of the remarks contained in the Appeal Brief of March 13, 2006 and the Reply Brief of July 19, 2006, Appellant respectfully submits that claims 1-24 are patentably distinct over the art of record. Accordingly, Appellant requests that the Board direct that each of the outstanding rejections be withdrawn.

Respectfully submitted,

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